Sectt. II-29—35,006—2-11-26.

Revenue (1927) Department.

General SERIES.

G.O. No.	1657 46
Dated	27. 1. 27

[Despatch Abstract.]

Land - Railway (Bellary) - Bellary - Dispute between the Madras and Southern Mahratta Railway and the Military authorities

All communications should be addressed to the Secretary, Railway Board, by title, NOT by name.

GOVERNMENT OF INDIA

RAILWAY DEPARTMENT

(RAILWAY BOARD.)

6499E 15JUN1926

No. 2182-P.

Dated Simla the 11th June 1926.

Rev. 2329-A
Rd. 25.6.26

To

The Chief Secretary
to the Government of Madras,
Public Works Department.

Sir,

Land at Bellary Cantonment.

In forwarding herewith a copy of a letter No.W/363, dated 20th May 1926, from the Agent, Madras & Southern Mahratta Railway, I am directed to request that with the permission of His Excellency the Governor in Council, the information required by the Agent, may kindly be supplied him direct.

I have the honour to be,
Sir,
Your most obedient servant

for Secretary, Railway Board.

D.A. Copy of letter referred to.

S.A.A.

Previous 6499 2/26. Rev. 2329-A
22-6-26.

Copy of letter No.W/333, dated 20th May 1926, from the Agent, Madras & Southern Mahratta Railway, to the Secretary Railway Board.

LAND AT BELLARY CANTONMENT

The General Officer Commanding the Madras District has informed the Railway that there appear to be no records showing the official transfer of 23 acres - 2R - 31 P of land in Bellary Cantonment to the Railway authorities. In the absence of proof of such official transfer he proposes, it is understood under instructions from the Quartermaster-General in India, that rent should be charged for the land.

The land in question was taken over by the late Southern Mahratta Railway about the years 1882 to 1884; it is believed the transfers were made during famine work. Certain orders relating to the transfer of land on this section of the line and to debiting the cost thereof to the Capital Account of the Railway have been traced and certain payments to the Collector of Bellary made in 1882 and 1883 have also been traced. In the absence of plans, it has been found impossible to connect these with the actual area of land falling within the Cantonment limits.

The matter has been under reference between the General Officer Commanding Madras District, the Collector Bellary and this office for the last three years, and a considerable amount of correspondence has taken place.

The ordinary procedure in the case of doubt as to ownership would be for one of the parties to sue the other; but as there is no question that the land belongs to Government, no case can be stated for settlement in Court. If it is considered essential to ascertain whether the correct debits were made by the Civil Authorities against the Railway Accounts when the land was occupied by the Railway in 1883, I should be glad if the Government of India can arrange with the Local Government to ascertain what debits, if any, are still outstanding on account of the transfer of the land in question.

(221)

136/26

(5)

Th. and rels

CRP 5/7.

DEPT. OF ARMY & JUL 1926

5/7.

To the Bds Queens & RSs.

with Copy of Rg Bd's letter

... (Bellary) ... military ... station

Cantonment – Dispute between Rly and military authorities. Informa... regarding debit of Cost – letter from ...

Rg Bd. 6499 E of 11.6.26

Endt 2329 A/26-1 dy 5-7-2...

Referred to the Board of ... for early remarks

CRP 30.6.26.

A

7

Revenue **DEPARTMENT.** C.W. 91

CURRENT No. 2417A

Received ..... 192 . *Registered* ..... 192 . 3/1/27

Subject.

Land- (Bellary)- Military- Railway lands within cantonment- Dispute between Railway and Military authorities- Information regarding debit of cost.

DV
KS
31/1/27

ENCLOSURES
No. .....
.....
Spare copies .....

Reference .. No. C 4912/26-4

Station Madras , *Dated the* 23rd December '26 ~~192~~

From W. Scott Brown Esq., I.C.S.,
Secretary,

Land Revenue and
The Board of Revenue, ~~Revenue~~ Settlement, etc.
~~Separate Revenue.~~

~~Resolution~~
Reference.

H.A.B. Vernon Esq., I.C.S.,
Commr. of Land Revenue.

Read the following papers:-

I

Letter from Khan Bahadur Md. Bazlullah Sahib Bahadur, C.I.E., O.B.E., Collector of Bellary, Ref. C.No. 3487/26-A1 dated the 3rd August 1926.

II

letter from C.G. Herbert Esq., I.C.S., Acting Collector of Bellary, D Dis. C.No. 3487/26-A1 dated the 8th September 1926.

III

Board's Reference No. C 4912-26-3 dated the 22nd September '26

IV

IV

Letter from C.G.Herbert Esq., I.C.S., Collector of Bellary, Ref.C.No. 4988/26-A-1, dated the 30th October 1926.

Reference.-

Reference.- Government endorsement No. 2329 A/26-1 dated 5th July 1926. ab p 5 ante

The Collector reports that no records are forthcoming to furnish the information required by the Agent.

2. The land lies in S.Nos. 640 A & B, 638, 636 and 634. These fields are registered as village site and are within cantonment limits but are obviously not, except in a very vague sense, under the control and management of the Cantonment authorities. The Cantonment authorities do not possess a plan of the land - under their control. The Cantonment was established in 1801 and the Railway was constructed between 1882 and 1884. It may therefore be presumed that the land in question was within the Cantonment limits when the Railway was constructed.

3. Appendix C to the rules in the Railway Board's circular No. 889-R-16 dated 30-8-1918 deals with the acquisition of State land in charge of military authorities and rules 31,32 and 33 of the rules in the circular are relevant. As the land is and has been in the permanent occupation of the Railway, the original - transfer must be deemed to have been outright. There is no provision for payment of rent to the Army Department in any of the rules and the suggestion must be rejected. ab pp 25-26 of 30 No 1959 d 24.8.20 (T) ab p 9 of 30 ibid. cf para p 9 of 30 1927 (T) 24.8.20

4. It is most improbable that the Army department ever paid anything for the land and there is therefore no reason to re-open, after 40 years or more, the question whether it ever received a credit for the land transferred to the Railway, especially as there are no records to show that no credit was given.

5. There can be no question of the land being required now or the effective discharge of the duties of the Government of

India and they were not in effective occupation as at 1st April 1921.

W Scott Bower 23/12

S e c r e t a r y.

To the Secretary to Government,

Revenue Department, with a sketch.

M.D. 23-12

23/12

Revenue Dept

Subject – Land – Railway (Bellary) – Bellary Cantonment – Dispute between the Ry and the Mulsi

Previous papers
S.O. No. 4482 Mily. D. 2.3.93
" 1959 Revd. 4.8.20
" 179 " 2.2.26

Cto. 2329 A. from the Secretary India (Ry Board)
No. 2182-P d. 11.6.26

Cto. 17 A. from the Board's Ref. No. C. 4912-26 d. 23.12.26

Do Undersecy

Please see the mod. Dy. Ry. Agent's letter at p.3, the Railway Board's letter at p.1 and the Boa Report at pp. 8-9 c.d. The dispute is between one Deptt. of the Secretary India and another and the in terests of the Local Govt. are not affected. A draft order and letter to the Agent, Dy. Ry are subd.

vide para 71 at p. 15 ante
S.S. No. 1959 dt. 14.8.20
(T)

22.1.27

19.1.27

20.1.27

22. 1. 27

S

Secy

20.1.27

Sectt. II-5 (5)—9,006—9-11-26 (6)

Rev. DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..	27/1	
When examined ..		27/1
When signed ..		
When despatched ..		

23/1

READ AGAIN G.O. No. ....., dated 192

" " " " ..... " 192

READ ALSO:—

C. No. 2329 A/26 From the Govt. of India (Ry. Board), No. 2182-P, dated 11. 6. 1926.

" " ..... " " Board of Rev. L.R.S. " C.4912-2624 " 23. 12. 1926.

" " ..... " " ..... " ..... " 192

ORDER.

This.

No. 1465, dated 27-1- 1927

The following letter will be sent to the Agent, S.M. Ry.

MMM

22/1.27

To the Board of Rev. L.R.S. with a copy of the letter

D.R.D 19.1.27

G.O. & Letter

DE D

27 JAN 1927

Letter No. 1466 d. 27-1-1927

To The Agent, S.M. Ry. Madura.

Sir,

Land - Railway (Bellary) - Bella cantonment - Dispute between the Railway and the Military Authorities your letter No. W/333 d. 20.5.26 to the Ry. Board.

I am directed to state that no records are forthcoming to show

whether any debits are outstanding on account of the transfer of the ~~land in question to the railway~~

I.R.D
19.1.27

SR
20.1.27

enable this Govt. to furnish the information required by you.

22.1.27